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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-4, 10-15, 22-24, 29, 32 and 33 have been rejected.

Claims 5-11, 16-21, 25-28, 30-31 and 34-35 have been objected to.

Claims 1, 3-12, 14-22, 24-32 and 34-35 remain pending in the application.

Claims 1, 3, 12, 14, 22, 29 and 32 have been amended. Applicants respectfully assert that the amendments to the claims add no new matter.

Claims 2, 13, 23 and 33 have been cancelled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

Allowable Subject Matter

Applicants wish to thank the Examiner for indicating that claims 5-11, 16-21, 25-28, 30-31 and 34-35 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1-4, 12-15 and 32-33 under 35 U.S.C. § 102(c), as being anticipated by U.S. Publication No. 20050141459 to Li et al.

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Independent claim 1 has been amended to include cancelled claim 2, independent claim 12 has been amended to include the elements of cancelled claim 13, and independent claim 32 has been amended to include the elements of cancelled claim 33.

Independent claims 1, 12, and 32 recite: "selecting/select if to modulate a data packet using a first modulation type and to protect said data packet using a first protection mechanism, to modulate said data packet using said first modulation type and to protect said data packet using a second protection mechanism, or to modulate said data packet using a second modulation type"

It is respectfully asserted that Li et al. (hereinafter "Li") does not teach or fairly suggest, at least the above recited elements of claims 1, 12, and 32.

Li discloses a method for generating a packet for transmission via one or more antenna(c) of a transmitting device and including with the generated packet one or more training symbols. Li further discloses attaching the training symbols including the number of the receive or transmit antennas to a transmitted symbol, for example, to CTS and/or RTS symbols for determining a set of AGC and TPC settings for the link, calibration and/or for enabling the channel estimation of the receiver (see Li. paragraphs 32-37).

Li is silent, however, in general as to selecting, based on a predetermined criterion, a modulation type and a protection mechanism and in particular, as to "select/ing if to modulate a data packet using a first modulation type and to protect said data packet using a first protection mechanism, to modulate said data packet using said first modulation type and to protect said data packet using a second protection mechanism, or to modulate said data packet using a second modulation type", as recited in claims 1, 12 and 32.

Li further states that the "... advantage is taken of the fact that, according to some implementations of the IEEE 802.11 standards, RTS and CTS symbols can be transmitted in such a way as to protect long data packets from collision. Thus, the Nt and Nr training symbols may be attached directly to the request to transmit (e.g., legacy RTS) symbol and the clear to transmit response (e.g., legacy CTS) symbol, respectively, where Nt and Nr are the number of antennas at the devices (see paragraph 37). Li specifically states that the Nt and Nr training symbols may be attached to a plurality of different packets which are generated

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for purposes other than the transmission of the training symbols such as a data packet, a handshaking packet, an acknowledgement packet etc.

Based on the discussion above, Applicants submit that Li et al. fails to teach, either expressly or inherently, all the elements of claims 1, 12 and 32. Accordingly, Applicants respectfully assert that independent claims 1, 12 and 32 are allowable over Li et al.

Claims 3-4 and 14-15 depend directly or indirectly from one of independent claims 1 and 12 and incorporate all the elements of the claim from which it depends. Therefore, it is respectfully submitted that claims 3-4 and 14-15 are patentable, and thus allowable, at least for all the reasons set forth above.

Claims 2, 13 and 33 have been cancelled and therefore the rejection of these claims is now moot.

Accordingly, Applicants respectfully request that the rejection of claims 1-4, 12-15 and 32-33 under 35 U.S.C. § 102(e) be withdrawn.

35 U.S.C. § 103 Rejection Based on Li in view of Li

Claims 22-24 and 29 were rejected under 35 U.S.C. 103(a), as being unpatentable over Li et al. (Pub No. 20050141459) in view of U.S. Publication No. 20050146470 to Li et al. Applicants respectfully traverse the rejection of claims 22-24 and 29 under 35 U.S.C. § 103(a) in view of the remarks that follow.

Without conceding the appropriateness of the combination, Applicants respectfully submit that the combination of Li et al. (Pub No. 20050141459) taken with Li et al. (Pub No. 20050146470) does not meet the requirements of an obviousness rejection, in that the combination at least fails to teach or suggest all the elements of the claimed invention.

Independent claims 22 and 29, as amended, recite "a controller able to select if to modulate a data packet using a first modulation type and to protect said data packet using a first protection mechanism, to modulate said data packet using said first modulation type and to protect said data packet using a second protection mechanism, or to modulate said data packet using a second modulation type".

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Applicants respectfully submit that neither Li et al. (Pub No. 20050141459) nor Li et al. (Pub No. 20050146470), alone or in combination, teach or suggest, at least the above cited elements of claims 22, and 29.

As discussed above Li et al. (Pub No. 20050141459) does not teach or fairly suggest at least "select if to modulate a data packet using a first modulation type and to protect said data packet using a first protection mechanism, to modulate said data packet using said first modulation type and to protect said data packet using a second protection mechanism, or to modulate said data packet using a second modulation type", as required by Applicants' independent claims 22 and 29. Li et al. (Pub No. 20050146470) does not cure the deficiencies of Li et al (Pub No. 20050141459).

Claim 24 depends directly or indirectly from independent claim 22 and incorporates all the elements of the claim from which it depends. Therefore, it is respectfully submitted that claim 24 is patentable, and thus allowable, at least for all the reasons set forth above.

Claim 23 has been cancelled and therefore the rejection of this claim is now moot.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 22-24 and 29 under 35 USC §103(a) over Li et al. in view of Li et al.

Claim Objections

In the Office Action, the Examiner objected to claims 5-11, 16-21, 25-28, 30-31 and 34-35 as being dependent upon a rejected base claim and indicated that the claims would be allowable if rewritten in independent form. As discussed above claims 1, 12, 22, 29 and 32 are believed to be allowable. Accordingly, Applicants request withdrawal of the objection.

CONCLUSION

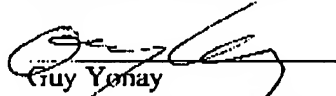
In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

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Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

No fees are believed to be due associated with this paper. If any such fees are due, please charge such fees to deposit account No. 50-3355.

Respectfully submitted,



Guy Yonay
Attorney/Agent for Applicant(s)
Registration No. 52,388

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Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, New York 10036
Tel: (646) 878-0800
Fax: (646) 878-0801